

REMARKS

This response intended as a full and complete response to the Advisory Action dated October 14, 2003 and the Final Office Action dated July 15, 2003. In the Advisory Action, the Examiner notes that claims 2-20, 22-40 and 42-46 are pending, of which claims 2-20, 22-40 and 42-46 stand rejected. By this amendment, claims 2, 22, 44, and 46 have been amended, claims 1, 21 and 41 continue as being cancelled, claims 3-20, 23-40, 42-43 and 45 continue unamended, and new claims 47-48 have been added.

In view of both of the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated under the provision of 35 U.S.C. §102. Thus, the Applicant believes that all of these claims are now in allowable form.

REJECTIONS

35 U.S.C. §102

Claims 1-46

The Examiner has rejected claims 2-20, 22-40 and 42-46 under 35 U.S.C. §102 as being anticipated by Sicher et al. (U.S. Patent No. 6,385,195, issued May 7, 2002, hereinafter "Sicher"). The Applicant respectfully traverses the rejections.

A. Claims 2-20, 22-40 and 42-46

The Applicant has amended independent claims 2, 22, and 44 to further clarify the features the Applicant considers as being inventive.

Independent claim 2 (and similarly independent claims 22 and 44) as amended, recites:

"A method for accepting streamed media packets sent from a content provider and converting said streamed media packets to a pulse code modulated (PCM) signal stream, said method comprising the steps of:

receiving, via a first interface, a request for a specified media content available from said content provider, said specified media content comprising at least one of live and archived media content;

establishing, responsive to receipt of said request, a session with said content provider to receive said streamed media packets corresponding to said specified media content, said streamed media packets being encoded media packets associated with one of a plurality of encoded media formats;

transcoding said streamed media packets to form a PCM signal stream corresponding to said specified media content; and

launching said PCM signal stream onto a network operable to convey said PCM signal stream to a user making said request.” (emphasis added).

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim” (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Sicher reference fails to disclose each and every element of the claimed invention, as arranged in the claim, since the Sicher reference fails to teach “said specified media content comprising at least one of live and archived media content.”

The Sicher reference discloses an enhanced interworking function module (E-IWF) that provides the means for a mobile station to interface voice and fax with the Internet. That is, the IWF enables a mobile subscriber to make an IS-136 (digital) voice call to another Internet subscriber or to a landline terminal via an IP based network (e.g., the internet) without going through the PSTN and an extra analog conversion. Such voice calls are live voice calls.

More specifically, live voice signals are encoded in a mobile station into voice frames which are multiplexed in a base station and transmitted to the E-IWF. The E-IWF transcodes the voice frames in a first codec into an isochronous stream of digitized voice samples, such as a pulse code modulator (PCM) signal stream. The isochronous stream is then transcoded, via a second codec, into a voice-over-IP (VoIP) format. The output of the second codec is a service data

unit (SDU) which is framed utilizing a transport layer protocol into segmented datagrams. The IP datagram stream is then carried by one of a plurality of lower-layer protocol, such as, for example, CSMA/CD, frame relay, among others. (See Sicher, column 3, lines 17-34 and col. 6, lines 28-61). That is, E-IWF of the Sicher reference performs two transcoding steps to first change the voice AFR frames into a PCM signal, and then transcode the PCM signal into segmented datagrams prior to transmitting such datagrams.

The Applicant's invention differs from the Sicher reference, since the Applicant's invention receives, via a first interface, a request for specified media content available from said content provider, where the specified media content comprises at least one of live and archived media content. In particular, "the MGA 120, [of the present invention], provides three types of media streaming services, including: (i) web-casted live content, for example, Internet radio provided by content providers such as SHOUTcast.com or Broadcast.com, (ii) on-demand content providers such as RealNetworks, MP3.com or any myriad of web-sites which maintain archived media files at their servers, and (iii) profile playback, which allows users to maintain a user profile database at the MGA 120 server, the profile being used to select content for playback to the client cell phone 130." (see Applicant's specification, page 7, lines 3-11 (emphasis added)).

Nowhere in the Sicher reference is there any teaching, or even suggestion, that the streamed media packets from the content provider may be content derived from archived media content stored on a server. By contrast, the Sicher reference merely discloses that only voice signals, which are derived from live analog signals, may be first encoded into a digital signal (e.g., ATR signal), and transcoded into a PCM signal, then transcoded again into a VoIP format (see Sicher, col. 5, lines 4-35, col. 6, lines 34-61, and FIGS. 2 and 3).

It is noted that VoIP provides a technique to send voice information in digital form in discrete packets, rather than in the traditional circuit-committed protocols of the public switched telephone network. The Applicant's invention is completely different from the Sicher reference, since the Applicant's invention is

capable of providing both live media and archived media content to a user requesting such media content. Nowhere in the Sicher reference is there any disclosure that the system architecture of Sicher is capable of delivering archived media content to a user requesting such content. Therefore, the Sicher reference fails to disclose each and every element of the claimed invention, as arranged in the claim, since the Sicher reference fails to teach “said specified media content comprising at least one of live and archived media content.”

Moreover, regarding independent claim 44, nowhere in the reference is there any teaching of cell casting the PCM signal stream to a plurality of client users. In particular, in the case of live content, the MGA 120 is designed to support the multi-casting of a single PCM audio signal stream to a plurality of users, that is to one or more client cell phones 130, without requiring the replication of resources on a per call channel 620 basis for each call connection to each client cell phone 130. The mode of multi-casting is defined by the Applicant as “cell casting.” Cell casting reduces the bandwidth and processing overhead when a plurality of clients want to listen to the same content. (see Applicant’s specification, page 14, lines 13-23).

By contrast, the Sicher reference merely discloses making a private call between two individuals. Nowhere is there any teaching of “a media translation module coupled to said interface to the Internet, said media translation device operable to decode said streamed media packets and translate said decoded streamed media packets into said PCM signal stream, wherein said PCM signal stream is cell casted to said plurality of client users.” Therefore, the Sicher reference also fails to teach each and every element of the claimed invention, as arranged in the claim with respect to cell casting the PCM signal stream to a plurality of client users.

As such, the Applicant submits that independent claim 2, as amended, is not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder. Likewise, independent claims 22 and 44, as amended, recite similar limitations as recited in independent claim 2. As such, and at least

for the same reasons as discussed above, the Applicant submits that independent claims 22 and 44 are not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder.

Furthermore, claims 3-20, 23-40, 45, and 46 respectfully depend, either directly or indirectly, from independent claims 2 and 22 and recite additional features thereof. As such and at least for the same reasons as discussed above, the Applicant submits that these dependent claims are also not anticipated and fully satisfies the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Thus, the Applicant submits that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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